



A Multi-Disciplinary Planning
& Development Consultancy

Development Control Service
London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall
Judd Street
London
WC1H 9JE

My reference:

Your reference:

14th April 2016

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
24 REDINGTON GARDENS, LONDON NW3 7RX (LPA reference: 2016/1015/P)
OBJECTION TO PLANNING APPLICATION

1. I have been instructed by Elizabeth and Philip Beckman, the owners and occupiers of No.7 Redington Gardens, London NW3 7RU, which lies immediately adjacent to the development proposal site, to strongly object to this planning application.
2. The proposals would seek to significantly intensify the amount of development on the site of the existing house, to comprise a new five storey house, including a new basement level.
3. This objection is based on the following issues:
 - a. Harm to outlook and visual amenity.
 - b. Potential loss of privacy and unacceptable increase in the degree of overlooking arising from the development.
 - c. Harm to the character and appearance of the Conservation Area.
 - d. Concerns regarding the impact of the proposed double basement on the amenity and stability of adjacent land, including my client's property.
4. With regard to all of these objections, we strongly object to the proposed development and respectfully request that the Council refuses to grant planning permission.

Harm to outlook & visual amenity

5. The proposal site sits immediately to the east of my client's property and would dominate the eastern side of their property at their boundary. The existing property at No.24 sits at about the same height as the neighbouring property at No.7, although its roof pitch and the slight change in finished ground floor levels create a small but modest increase in height from No.7 to the roof ridge of No.24.

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6. By contrast, however, the proposal seeks to increase the height above ground floor level of the property at No.24 by almost 50%, creating a more cliff-like effect on the boundary with No.7 and radically eroding the current soft transition in building heights along this terrace.
7. Furthermore, the proposed west elevation (Elevation C-C), which would have no detail and would comprise a darker red brick finish compared to the current white painted finish, would merely add to the oppressive effect of the proposed dwelling on the living conditions of the occupiers at No.7.
8. Policy DP26 seeks to manage the impact of development on occupiers and neighbours. The Council will consider the impact of development on neighbours with regard to outlook.
9. The proposal would significantly increase the size, bulk, mass and height of the existing house, causing further the prospect of harm to the amenities of the occupier at No.7 Redington Gardens.
10. We also query the accuracy of the floor plans as it would appear that the proposed property would actually be deeper than shown on elevation C-C. This elevation shows that the proposed property would be at first floor about the same depth as the current first floor. However, the tree at the foot of the garden to No.36 Redington Road is nearest to the end rear wall of the proposed property at ground floor and above and therefore, by reference to where this tree is shown on the proposed floor plans would appear to indicate that the new house would be significantly deeper than shown, dominating the boundary of the property with No.7 Redington Gardens.

Loss of Privacy & Unacceptable Increase in Overlooking

11. Policy DP26(a) of the Council's Local Plan seeks to protect neighbouring existing occupiers from the unacceptable loss of privacy that would arise from proposed development.
12. The rear elevation indicates an approximately 50% increase in fenestration, which when considered alongside the greater height and depth of the proposed new dwelling and its capacity for a bigger family or its capacity to accommodate more visitors, would create a greater sense of overlooking to my client's property and loss of privacy as a result.

Harm to the Conservation Area

13. The application property falls within the Redington Froggnal Conservation Area. Therefore, the proposal affects a designated heritage asset. Unfortunately, the design of the proposed house would fail to respect the Arts-and-Crafts style of architecture in the Conservation Area and therefore would harm the character and appearance of the Conservation Area, to which the Council must pay special regard.
 14. The Heath and Hampstead Society has also made comments against this application in relation to heritage assets affected by this application, which we would endorse.
 15. The application gives inadequate justification for the proposed replacement building in terms of its size and scale. Notwithstanding that the current building on this site is of little architectural merit, there is little consideration of how the proposed design would reflect and reference the key characteristics of the Conservation Area.
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16. In any event, the scale of the existing house on site above ground in terms of its height and roof line provides a more sensitive transition from the lower height and scale of No.7. The increase in scale is to a much greater degree than in the case of the approved development at No.25/26, where the approved development on that site was closer in height and scale to the existing building on this site. By contrast, the proposed development in this case begins to dwarf the neighbouring site at No.7.
17. Although the applicant refers to the style of architecture of the existing house as lacking merit, its current scale is more sensitive to the area, whereas the proposed development would begin to represent a greater intensity of development on this site, which has not been the established character of this part of the Conservation Area. Cumulative development on neighbouring sites toward bigger and bigger houses has eroded the special character of the Conservation Area, leading to a creeping sense of over-development. We strongly believe that any further moves towards encouraging such over-development and increased density should be resisted by the Council before it is too late and the essential character and appearance of this Conservation Area is irrevocably and irretrievably lost to future generations.
18. The redevelopment of this plot would also unbalance the symmetry of houses on either side of Redington Gardens in terms of their height and scale. This symmetry continues up to and including in line with No.24. The buildings on both sides of the road after No.24 begin to rise in scale and the imminent redevelopment of Nos.25 and 26 represent what should be the limits of this scale of development.
19. Furthermore, the continued loss of low walls and boundary hedges would 'harden' the character of this part of the Conservation Area, undermining its special character and appearance, especially as this aspect is noted in the Conservation Area Statement as an important feature worthy of continued protection.

Archaeology and Validation Requirements

20. Policy DP25 also seeks to protect remains of archaeological importance, requiring measures to ensure their protection and their setting, including where possible their physical protection (see also Policy DP27(h) in respect of new basement development).
21. The applicant has provided an assessment of the project with regard to the Conservation Area within the Planning Statement. However, the applicant is also required by the Camden Local Validation Requirements (February 2014) to submit a desk-based assessment of the proposal in respect of Areas of Archaeological Potential in accordance with the requirements of paragraph 128 of the National Planning Policy Framework (NPPF), and the applicant has not done so. General reference is made to the policy requirement but no assessment relating to potential archaeological remains has been carried out. This must be of particular relevance given that the proposals seek the excavation of a new double-storey basement.

Harm from the impact of the proposed double basement

22. The proposal would appear to include a double basement. The existing floor plans show accommodation at ground and first floor only, whereas the applicant refers to *lower ground floor* and *basement* storeys in the proposed floor plan drawings; i.e. a double basement. The rear elevation drawings are in fact rather misleading as they portray only a section through the lower ground floor, when in fact, there is still a further proposed storey below this for the swimming pool at basement level.
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23. The BIA submitted is grossly inadequate. Firstly, there is insufficient consideration of the prospect of harm to the stability of neighbouring property, seemingly more concerned with the stability of the new proposed building (see Policy DP27(a)). The proposal is for a double basement (not a single basement, as the BIA report misleadingly reports) comprising an excavation of more than 3 metres. In which case, regard must be had to paragraph 2.63 of CPG4, which states that:

“The Council’s preferred approach is therefore for basement development to not extend beyond the footprint of the original building and be no deeper than one full storey below ground level (approximately 3 metres in depth).”

24. The Council will only entertain such proposals in principle where the proposals provide “*extensive evidence to demonstrate to the Council’s satisfaction that the development does not harm the built and natural environment or local amenity*”. This is an understandably high bar to meet in the circumstances.

25. However, as also noted by the Heath and Hampstead Society in its written objections to this scheme, dated 8th March 2016, the applicant’s BIA consultant merely claims that the predicted damage that the basement excavation works would cause might be “within normally acceptable limits” – an alarmingly vague and cavalier statement that does very little to inspire confidence.

26. Secondly, the BIA fails to properly and fully meet Camden’s policy tests under paragraph 2.33 of CPG4 in respect of the consideration of the cumulative impact of these proposals, especially when taken together with the prospect of 4 additional basements at 24/25 and 26 Redington Gardens and 36 Redington Road, in addition to those at No. 38 Redington Road, Conrad Court and a very large one at 4 Templewood Avenue:

“The cumulative effect of incremental development of basements in close proximity, particularly when these are large potentially creates a significant impact. Basement Impact Assessments must identify neighbouring basements and make the assessment of the underground development with all nearby basements considered together. Both existing and planned (with planning permission) underground development must be included in this assessment. To ensure cumulative impacts are considered Basement Impact Assessments must respond to the issues raised in paragraph 168 to 174 of the Camden Geological, Hydrogeological and Hydrological Study.”

27. Paragraph 3.04.06 contains a bare statement that the cumulative impact of other proposals has been taken into account. However, this is not clear as to exactly how without more detail. Further detail in paragraph 4.04.08 does little more to reassure my clients given the inferred degree of possible ground movement depending on the sequence of planned construction and excavation works to the varying sites of planned or proposed basement construction. This has given rise to such uncertainty about the possible impact of these works on neighbouring houses and local ground movements, that a further ‘Detailed Basement Construction Plan’ might yet prove necessary. Clearly therefore, until the Council can be sure about the likely final impact of this double basement on the locality, this proposal cannot be supported by officers.

28. The risk is that these concerns will be dealt with as an after-thought to the permission and thus become more difficult to control and impose on a developer. The Council should be more pro-active given the proposed extent of works in this case, the proximity of affected trees and neighbouring property, the character and appearance of the Conservation Area, the possibility of loss or harm to archaeological remains and the very real prospect of harm to local amenity.

Construction Management Plan

29. In respect of the Construction Management Plan that has been submitted, there is inadequate information to adequately assess the proposals against Policy DP26 and paragraph 26.9 of the Development Policies DPD: "*Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan.*" Further guidance is contained in CPG6 (Amenity). There is no information provided in the current draft CMP relating to any of the following:

- Likely length of time of construction or construction phases,
- No information on access and the local highway network
- No information regarding the prospect of changes to utilities or services
- No estimate of possible vehicle movements for the proposed construction works
- No information about temporary traffic management orders or parking suspensions.
- No information about noise and vibration levels during the construction works.
- No specific information about the proposed mitigation measures (the answers to Q30 appear to be too generic)
- No confirmation given that all the necessary mitigation measures required by CPG6 will be delivered on site.
- No clear idea as to whether the site is a 'High Risk' site (Q37)
- No detail as to how construction activity will be co-ordinated with regard to other recently consented development sites in the immediate vicinity.

30. Overall, it is difficult to see how the draft CMP details mitigation measures sufficiently to assess the construction impact of the proposals. We consider that these measures should be set out more clearly prior to determination and available for public consultation. To leave this until a Section 106 Agreement would be to treat the Council's residents as an after-thought and would not hold the proposals up to sufficient scrutiny.

Overall, we are profoundly concerned about the potential harm arising from this application and respectfully ask the Council to refuse planning permission.

Please keep us informed of any changes proposed in the course of this application and, if a decision is to be taken, please advise us in advance of what the recommendation of officers is likely to be and whether it is likely to be referred to the Council's Planning Committee for determination.

If you have any further queries in respect of this submission or require any further information to support or clarify matters set out herein, please contact me at david@drkplanning.co.uk or on 07711 672185.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Kemp', written over a horizontal line.

David Kemp BSc(Hons) PGDL MRICS Solicitor* Barrister*
Director,
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(*non-practising memberships)